

LARCENY, ROBBERY, AND RELATED OFFENSES CRIMES CHART

Prepared by the JLCs/AAs of the Hartford Immigration Court

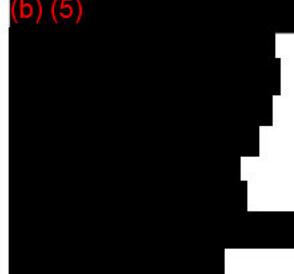
Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
Conn. Gen. Stat. Ann. § 53a-103, burglary in the third degree (a) A person is guilty of burglary in the third degree when he enters or remains unlawfully in a building with intent to commit a crime therein. (b) Burglary in the third degree is a class D felony.			
One year of the sentence imposed shall not be suspended or reduced by the court. <i>See</i> Conn. Gen. Stat. Ann. § 53a-103a	This statute does not include an element of “use of force” therefore it is not a COV under § 16(a).	MAYBE: Respondent’s conviction for third-degree burglary did not constitute a crime involving moral turpitude because it was improperly inferred from the respondent’s record of conviction that he intended to take property permanently, rather than temporarily. <i>Wala v. Mukasey</i> , 511 F.3d 102, 109 (2d Cir. 2007).	

Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
Conn. Gen. Stat. Ann. § 53a-119b. Using Motor Vehicle or Vessel Without Owner's Permission. Interfering or Tampering with a Motor Vehicle. First Offense: Class a Misdemeanor. Subsequent Offense: Class D Felony <ul style="list-style-type: none"> (a) A person is guilty of using a motor vehicle without the owner's permission when: <ul style="list-style-type: none"> (1) He operates or uses, or causes to be operated or used, any motor vehicle unless he has the consent of the owner; or (2) he obtains the consent of the owner to the use of his motor vehicle by fraud or fraudulent means, statement or representations. (b) A person is guilty of using a vessel, as defined in section 15-127, without the owner's permission when: <ul style="list-style-type: none"> (1) He operates or uses, or causes to be operated or used, any vessel unless he has the consent of the owner; or (2) he obtains the consent of the owner to the use of his vessel by fraud or fraudulent means, statement or representations. (c) A person is guilty of interfering or tampering with a motor vehicle when: <ul style="list-style-type: none"> (1) He puts into motion the engine of any motor vehicle while it is standing without the permission of the owner except that a property owner or his agent may remove any motor vehicle left without authorization on such owner's property in accordance with section 14-145; or (2) with intent and without right to do so, he damages any motor vehicle or damages or removes any of its parts or components. (d) Using a motor vehicle or a vessel without the owner's permission or interfering or tampering with a motor vehicle is a class A misdemeanor for a first offense and a class D felony for each subsequent offense. 			

Note: This chart does not analyze what effect the petty offense exception may have on a conviction that is determined to be a CIMT nor whether the offense meets any minimum sentence requirement.

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<p>First offense—Class A misdemeanor: fine not to exceed \$2,000 or imprisonment not to exceed one year. <i>See Conn. Gen. Stat. Ann. 53a-36.</i> Subsequent offense: imprisonment not more than 5 years. <i>See Conn. Gen. Stat. Ann. 53a-35.</i></p>	<p>YES “Theft” aggravated felony, if sentence of 1 year or more is imposed for conviction under any subsection</p> <p>MAYBE “fraud or deceit” aggravated felony regardless of sentence, conviction under subsections (a)(2) or (b)(2), if loss to victim in excess of \$10k.</p>	<p>(b) (5)</p> 	
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Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
<p>Conn. Gen. Stat. Ann. § 53a-121. Value of Property or Services</p> <p>(a) For the purposes of this part, the value of property or services shall be ascertained as follows:</p> <p>(1) Except as otherwise specified in this section, value means the market value of the property or services at the time and place of the crime or, if such cannot be satisfactorily ascertained, the cost of replacement of the property or services within a reasonable time after the crime.</p> <p>(2) Whether or not they have been issued or delivered, written instruments, except those having a readily ascertainable market value such as some public and corporate bonds and securities, shall be evaluated as follows:</p> <p>(A) The value of an instrument constituting evidence of debt, such as a check, draft or promissory note, shall be deemed the amount due or collectible thereon, such figure ordinarily being the face amount of the indebtedness less any portion thereof which has been satisfied;</p> <p>(B) the value of any other instrument which creates, releases, discharges or otherwise affects any valuable legal right, privilege or obligation shall be deemed the greatest amount of economic loss which the owner of the instrument might reasonably suffer by virtue of the loss of the instrument.</p> <p>(3) When the value of property or services cannot be satisfactorily ascertained pursuant to the standards set forth in this section, its value shall be deemed to be an amount less than fifty dollars.</p> <p>(b) Amounts included in thefts committed pursuant to one scheme or course of conduct, whether from the same person or several persons, may be aggregated in determining the grade of the offense.</p>			

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Conn. Gen. Stat. § 53a-122 Larceny in the first degree: Class B felony. <p>(a) A person is guilty of larceny in the first degree when he commits larceny, as defined in section 53a-119, and: (1) The property or service, regardless of its nature and value, is obtained by extortion, (2) the value of the property or service exceeds twenty thousand dollars, (3) the property consists of a motor vehicle, the value of which exceeds twenty thousand dollars, or (4) the property is obtained by defrauding a public community, and the value of such property exceeds two thousand dollars.</p> <p>(b) For purposes of this section, “motor vehicle” means any motor vehicle, construction equipment, agricultural tractor or farm implement or major component part of any of the above. In any prosecution under subdivision (3) of subsection (a) of this section, evidence of (1) forcible entry, (2) forcible removal of ignition, or (3) alteration, mutilation or removal of a vehicle identification number shall be <i>prima facie</i> evidence (A) that the person in control or possession of such motor vehicle knows or should have known that such motor vehicle is stolen, and (B) that such person possesses such motor vehicle with larcenous intent.</p> <p>(c) Larceny in the first degree is a class B felony.</p>			
Conn. Gen. Stat. § 53a-119 Larceny defined. A person commits larceny when, with the intent to deprive another of property or to appropriate the same to himself or a third person, he wrongfully takes, obtains or withholds such property from an owner. Larceny includes, but is not limited to: (Sections 1-5 and 7-18 not included) <p>(6) Defrauding of public community. A person is guilty of defrauding a public community who (A) authorizes, certifies, attests or files a claim for benefits or reimbursement from a local, state or federal agency which he knows is false; or (B) knowingly accepts the benefits from a claim he knows is false; or (C) as an officer or agent of any public community, with intent to prejudice it, appropriates its property to the use of any person or draws any order upon its treasury or presents or aids in procuring to be allowed any fraudulent claim against such community. For purposes of this subdivision such order or claim shall be deemed to be property.</p>			
		<p>YES: Conn. Gen. Stat §§ 53a-122(a)(4) and 53a-119(6) were found to be CIMT in <i>Mendez v. Mukasey</i>, 547 F.3d 345, 351 (2d. Cir. 2008) “Because the text of the larceny statute, the Connecticut cases interpreting it, and our precedent all indicate that a conviction for defrauding a public community requires proof of an intent to wrongfully deprive another of property by making a knowingly false claim for benefits, we hold that first degree larceny in the form of defrauding a public community, in violation of Connecticut General Statutes §§ 53a-122(a)(4) and 53a-119(6), is a crime involving moral turpitude within the meaning of 8 U.S.C. § 1182(a)(2)(A)(i)(I).”</p> <p>Note: Other subsections require further analysis.</p>	

Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
Conn. Gen. Stat § 53a-123, Larceny in the second degree			

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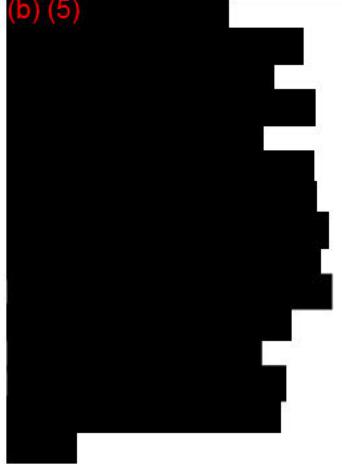
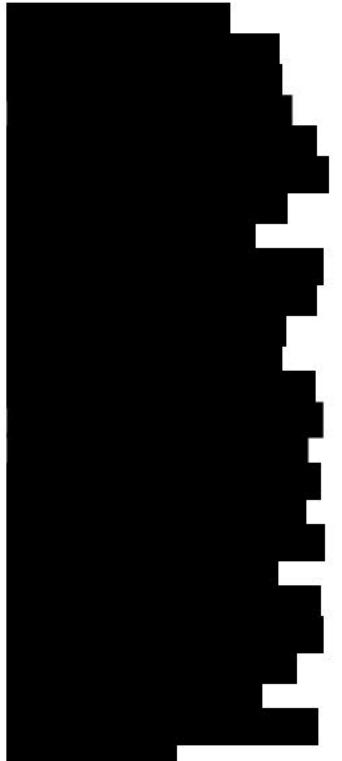
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(a) A person is guilty of larceny in the second degree when he commits larceny, as defined in section 53a-119, and: (1) The property consists of a motor vehicle, the value of which exceeds ten thousand dollars, (2) the value of the property or service exceeds ten thousand dollars, (3) the property, regardless of its nature or value, is taken from the person of another, (4) the property is obtained by defrauding a public community, and the value of such property is two thousand dollars or less, (5) the property, regardless of its nature or value, is obtained by embezzlement, false pretenses or false promise and the victim of such larceny is sixty years of age or older or is blind or physically disabled, as defined in section 1-1f, or (6) the property, regardless of its value, consists of wire, cable or other equipment used in the provision of telecommunications service and the taking of such property causes an interruption in the provision of emergency telecommunications service.

(b) For purposes of this section, "motor vehicle" means any motor vehicle, construction equipment, agricultural tractor or farm implement or major component part of any of the above. In any prosecution under subdivision (1) of subsection (a) of this section, evidence of (1) forcible entry, (2) forcible removal of ignition, or (3) alteration, mutilation or removal of a vehicle identification number shall be *prima facie* evidence (A) that the person in control or possession of such motor vehicle knows or should have known that such motor vehicle is stolen, and (B) that such person possesses such motor vehicle with larcenous intent.

(c) Larceny in the second degree is a class C felony

	(b) (5)  		
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(b) (5) [REDACTED]		

Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
Conn. Gen. Stat. § 53a-124(a), Larceny in the third degree A person is guilty of larceny in the third degree when he commits larceny, as defined in section 53a-119, and: (1) The property consists of a motor vehicle, the value of which is ten thousand dollars or less; (2) the value of the property or service exceeds two thousand dollars; (3) the property consists of a public record, writing or instrument kept, held or deposited according to law with or in the keeping of any public office or public servant; or (4) the property consists of a sample, culture, microorganism, specimen, record, recording, document, drawing or any other article, material, device or substance which constitutes, represents, evidences, reflects or records a secret scientific or technical process, invention or formula or any phase or part thereof. A process, invention or formula is "secret" when it is not, and is not intended to be, available to anyone other than the owner thereof or selected persons having access thereto for limited purposes with his consent, and when it accords or may accord the owner an advantage over competitors or other persons who do not have knowledge or the benefit thereof.			
	(b) (5) [REDACTED]		
	[REDACTED]		

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	(b) (5) [REDACTED]	
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<p>Conn. Gen. Stat. Ann. § 53a-125. Larceny in the Fourth Degree: Class a Misdemeanor</p> <p>(a) A person is guilty of larceny in the fourth degree when he commits larceny as defined in section 53a-119 and the value of the property or service exceeds one thousand dollars.</p> <p>(b) Larceny in the fourth degree is a class A misdemeanor.</p>			
	(b) (5) [REDACTED]		

Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
<p>Conn. Gen. Stat. Ann. § 53a-125a. Larceny in the Fifth Degree: Class B Misdemeanor</p> <p>(a) A person is guilty of larceny in the fifth degree when he commits larceny as defined in section 53a-119 and the value of the property or service exceeds five hundred dollars.</p> <p>(b) Larceny in the fifth degree is a class B misdemeanor.</p>			

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Conn. Gen. Stat. § 53a-125b, Larceny in the sixth degree (a) A person is guilty of larceny in the sixth degree when he commits larceny as defined in section 53a-119 and the value of the property or service is five hundred dollars or less. (b) Larceny in the sixth degree is a class C misdemeanor.			
	(b) (5) [REDACTED]		

Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
Conn. Gen. Stat. Ann. § 53a-125c. Telephone Fraud in the First Degree: Class B Felony (a) A person is guilty of telephone fraud in the first degree when such person (1) knowingly or intentionally devises or participates in a scheme to defraud another person of money or property, (2) (A) employs false pretenses or false promises, as described in section 53a-119, to obtain such money or property and the amount of such money or the value of such property exceeds twenty thousand dollars, or (B) regardless of its value, obtains such money or property by extortion, and (3) uses a telephonic call, including, but not limited to, a call made by an individual, an automated telephone call and a recorded message, to obtain such money or property from such other person. (b) Telephone fraud in the first degree is a class B felony.			

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<p>Conn. Gen. Stat. Ann. § 53a-125d. Telephone Fraud in the Second Degree: Class C Felony</p> <p>(a) A person is guilty of telephone fraud in the second degree when such person</p> <ul style="list-style-type: none">(1) knowingly or intentionally devises or participates in a scheme to defraud another person of money or property,(2) employs false pretenses or false promises, as described in section 53a-119, to obtain such money or property and the amount of such money or the value of such property exceeds ten thousand dollars, and(3) uses a telephonic call, including, but not limited to, a call made by an individual, an automated telephone call and a recorded message, to obtain such money or property from such other person. <p>(b) Telephone fraud in the second degree is a class C felony.</p>			

Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
<p>Conn. Gen. Stat. Ann. § 53a-125e. Telephone Fraud in the Third Degree: Class D Felony</p> <p>(a) A person is guilty of telephone fraud in the third degree when such person</p> <ul style="list-style-type: none">(1) knowingly or intentionally devises or participates in a scheme to defraud another person of money or property,(2) employs false pretenses or false promises, as described in section 53a-119, to obtain such money or property and the amount of such money or the value of such property exceeds two thousand dollars, and(3) uses a telephonic call, including, but not limited to, a call made by an individual, an automated telephone call and a recorded message, to obtain such money or property from such other person. <p>(b) Telephone fraud in the third degree is a class D felony.</p>			

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<p>Conn. Gen. Stat. Ann. § 53a-125f. Telephone Fraud in the Fourth Degree: Class A Misdemeanor</p> <p>(a) A person is guilty of telephone fraud in the fourth degree when such person</p> <ul style="list-style-type: none">(1) knowingly or intentionally devises or participates in a scheme to defraud another person of money or property,(2) employs false pretenses or false promises, as described in section 53a-119, to obtain such money or property and the amount of such money or the value of such property exceeds one thousand dollars, and(3) uses a telephonic call, including, but not limited to, a call made by an individual, an automated telephone call and a recorded message, to obtain such money or property from such other person. <p>(b) Telephone fraud in the fourth degree is a class A misdemeanor.</p>			

Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
<p>Conn. Gen. § 53a-125h. Telephone Fraud in the Fifth Degree: Class B Misdemeanor</p> <p>(a) A person is guilty of telephone fraud in the fifth degree when such person</p> <ul style="list-style-type: none">(1) knowingly or intentionally devises or participates in a scheme to defraud another person of money or property,(2) employs false pretenses or false promises, as described in section 53a-119, to obtain such money or property and the amount of such money or the value of such property exceeds five hundred dollars, and(3) uses a telephonic call, including, but not limited to, a call made by an individual, an automated telephone call and a recorded message, to obtain such money or property from such other person. <p>(b) Telephone fraud in the fifth degree is a class B misdemeanor.</p>			

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Conn. Gen. Stat. Ann. § 53a-125h. Telephone Fraud in the Sixth Degree: Class C Misdemeanor			
(a) A person is guilty of telephone fraud in the sixth degree when such person <ul style="list-style-type: none"> (1) knowingly or intentionally devises or participates in a scheme to defraud another person of money or property, (2) employs false pretenses or false promises, as described in section 53a-119, to obtain such money or property and the amount of such money or the value of such property is five hundred dollars or less, and (3) uses a telephonic call, including, but not limited to, a call made by an individual, an automated telephone call and a recorded message, to obtain such money or property from such other person. 			
(b) Telephone fraud in the sixth degree is a class C misdemeanor.			

Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
Conn. Gen. Stat. Ann. § 53a-126a. Criminal Trover in the First Degree: Class D Felony, First Offense; Class C Felony, Subsequent Offense			
(a) A person is guilty of criminal trover in the first degree when he forcibly enters or forcibly removes the ignition of the motor vehicle of another and uses the motor vehicle without the consent of such owner, and such use results in damage to or diminishes the value of such motor vehicle or subjects such owner to economic loss, fine or other penalty.			
(b) Criminal trover in the first degree is a class D felony for a first offense and a class C felony for each subsequent offense.			

Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
Conn. Gen. Stat. Ann. § 53a-126b. Criminal Trover in the Second Degree: Class A Misdemeanor			
(a) A person is guilty of criminal trover in the second degree when, knowing that such person is not licensed or privileged to do so, such person uses the personal property of another without the consent of such owner, and such use results in damage to or diminishes the value of such property or subjects such owner to economic loss, fine or other penalty.			

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(b) For the purposes of this section, “economic loss” includes uncompensated economic loss that exceeds five hundred dollars suffered by an owner of personal property who is engaged in the business of renting or leasing personal property when a person to whom such owner has rented or leased such property pursuant to a written agreement providing for the return of such property at a specified time fails to return such property within one hundred twenty hours after the owner sends a written demand to such person for the return of such property by registered mail addressed to such person at such person's address as shown in the written agreement, unless a more recent address is known to the owner. Acknowledgment of the receipt of such written demand by such person shall not be necessary to establish that one hundred twenty hours have passed since such written demand was sent. The provisions of this subsection shall not apply to personal property that is rented or leased

- (1) for personal, family or household purposes, or
- (2) pursuant to chapter 743i.1

(c) Criminal trover in the second degree is a class A misdemeanor.

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Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
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Conn. Gen. Stat. Ann. § 53a-127. Diversion from State of benefit of labor of employees: Class A Misdemeanor

(a) A person is guilty of diversion from the state of benefit of labor of employees when he fraudulently procures for himself or another, from any employee of the state or any department thereof, the benefit of any labor which the state or any department thereof is entitled to receive from such employee during his hours of employment or fraudulently aids or assists in procuring or attempting to procure the benefit of any such labor.

(b) Diversion from the state of benefit of labor of employees is a class A misdemeanor.

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Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
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Conn. Gen. Stat. Ann. § 53a-127a. Unlawful Entry into Coin Machine; Possession of Key to Enter: Class a Misdemeanor

(a) No person shall, with intent to commit larceny:

- (1) Enter, or force an entrance into, alter or insert any part of an instrument into any coin machine, as defined in section 53a-143; or
- (2) knowingly possess a key or device, or a drawing, print or mold thereof, adapted and designed to open or break into any such coin machine.

(b) Any person who violates any provision of this section shall be guilty of a class A misdemeanor.

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<p>Conn. Gen. Stat. Ann. § 53a-127b. Fraudulent Use of an Automated Teller Machine: Class a Misdemeanor</p> <p>(a) A person is guilty of fraudulent use of an automated teller machine when, with intent to deprive another of property or to appropriate the same to himself or herself or a third person, such person knowingly uses in a fraudulent manner an automated teller machine for the purpose of obtaining property. For the purposes of this section, "automated teller machine" means an unmanned device at which banking transactions including, without limitation, deposits, withdrawals, advances, payments and transfers may be conducted, and includes, without limitation, a satellite device and point of sale terminal as defined in section 36a-2.</p> <p>(b) In any prosecution under this section, the crime shall be deemed to have been committed in the town in which the automated teller machine was located.</p> <p>(c) Fraudulent use of an automated teller machine is a class A misdemeanor.</p>			

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<p>Conn. Gen. Stat. Ann. § 53a-127c. Theft of Electric, Gas, Water, Steam, Telecommunications, Wireless Radio Communications or Community Antenna Television Service for Profit or Economic Gain: Class D Felony</p> <p>(a) A person is guilty of theft of electric, gas, water, steam, telecommunications, wireless radio communications or community antenna television service for profit or economic gain when he:</p> <ul style="list-style-type: none"> (1) Engages in the business for profit or economic gain of tampering or making connection with the equipment of a supplier of an electric, gas, water, steam, telecommunications, wireless radio communications or community antenna television service which is not metered or otherwise measured, in whole or in part, without the consent of such supplier, for the purpose of supplying such service on one or more occasions to two or more households, or (2) engages in the business for profit or economic gain of offering for sale to any person other than the supplier of an electric, gas, water, steam, telecommunications, wireless radio communications or community antenna television service which is not metered or otherwise measured, in whole or in part, any decoder, descrambler or other device, the principal function of which defeats the electronic signal encryption jamming or individually addressed switching imposed by such supplier for the purpose of restricting the delivery of such service to persons who pay for such service, or (3) without the consent of the supplier of such service and with intent to defraud such supplier, engages in the business for profit or economic gain of connecting or disconnecting the meters, pipes, cables, conduits, conductors or attachments of such supplier or in any other manner tampers or connects with such meters, pipes, cables, conduits, conductors or attachments. There shall be a rebuttable presumption that a person is engaged in the business for profit or economic gain of offering for sale a decoder, descrambler or other device, equipment or component in violation of subdivision (2) of this subsection if such person has five or more decoders, descramblers or other devices in his possession or under his control. <p>(b) Theft of electric, gas, water, steam, telecommunications, wireless radio communications or community antenna television service for profit or economic gain is a class D felony.</p>			

Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
<p>Conn. Gen. Stat. Ann. § 53a-127d. Cheating: Class D Felony or Class B Misdemeanor</p> <p>(a) A person is guilty of cheating when, in the course of playing or conducting any lawful gambling game, he:</p> <ul style="list-style-type: none"> (1) Knowingly uses an altered or counterfeit chip, token, tile, pull tab, wagering slip or check or knowingly marks, loads or tampers with any cards or dice or substitutes for cards or dice provided by the operator of a lawfully operated game of chance any cards or dice that have been marked, loaded or tampered with; or (2) knowingly uses any device, instrument, article or substance with intent to cheat or defraud or to alter or affect the otherwise random results of any lawfully operated game of chance; or (3) intentionally places, increases or attempts to increase a winning wager or decreases or attempts to decrease a losing wager after that period of time during which the rules of a lawfully operated game of chance permit a wager to be placed or after the results of the game in which the wager has been placed become known. <p>(b) Cheating is a class D felony, except that a violation of subdivision (3) of subsection (a) of this section is a class B misdemeanor.</p>			

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Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
<p>Conn. Gen. Stat. Ann. § 53a-127e. Possession of a Cheating Device: Class D Felony</p> <p>(a) A person is guilty of possession of a cheating device when, while on premises where lawful gambling is to be conducted, such person knowingly possesses or has under such person's control:</p> <ul style="list-style-type: none">(1) Any altered or counterfeit chip, token, tile, pull tab, wagering slip or check or any cards or dice that have been marked, loaded or tampered with; or(2) any device, instrument or other thing adapted, designed or commonly used to facilitate the alteration of the normal play or operation of a piece of gaming equipment or to facilitate the unauthorized removal of any money or other contents from any gaming equipment; or(3) any other device, instrument or thing which, under the circumstances in which it is used or possessed, manifests an intent that it be used by the actor or another person to alter the normal play or operation of a lawfully operated game of chance or to commit cheating as provided in section 53a-127d or larceny as provided in section 53a-119. <p>(b) Possession of a cheating device is a class D felony.</p>			

Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
<p>Conn. Gen. Stat. Ann. § 53a-127f. Possession of a Shoplifting Device: Class a Misdemeanor</p> <p>(a) A person is guilty of possession of a shoplifting device when such person has in such person's possession any device, instrument or other thing specifically designed or adapted to advance or facilitate the offense of larceny by shoplifting, as defined in subdivision (9) of section 53a-119, by defeating any antitheft or inventory control device, under circumstances manifesting an intent to use the same in the commission of larceny by shoplifting.</p> <p>(b) Possession of a shoplifting device is a class A misdemeanor.</p>			

Note: This chart does not analyze what effect the petty offense exception may have on a conviction that is determined to be a CIMT nor whether the offense meets any minimum sentence requirement.

LARCENY, ROBBERY, AND RELATED OFFENSES CRIMES CHART

Prepared by the JLCs/AAs of the Hartford Immigration Court

Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
<p>Conn. Gen. Stat. Ann. § 53a-127g. Unlawful Possession of a Personal Identifying Information Access Device: Class a Misdemeanor</p> <p>(a) For the purposes of this section,</p> <p>(1) “access device” includes, but is not limited to, any card, plate, code, account number, mobile identification number, personal identification number, telecommunication service access equipment, card-reading device, scanning device, reencoder or other means that could be used to access financial resources or obtain the financial information, personal information or benefits of another person, and</p> <p>(2) “personal identifying information” has the same meaning as provided in section 53a-129a.</p> <p>(b) A person is guilty of unlawful possession of a personal identifying information access device when such person possesses an access device, document-making equipment or authentication implement for the purpose of fraudulently altering, obtaining or using the personal identifying information of another person.</p> <p>(c) Unlawful possession of an access device is a class A misdemeanor.</p>			

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LARCENY, ROBBERY, AND RELATED OFFENSES CRIMES CHART

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Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
<p>Conn. Gen. Stat. Ann. § 53a-128. Issuing a Bad Check. Penalties</p> <p>(a) A person is guilty of issuing a bad check when:</p> <ul style="list-style-type: none"> (1) As a drawer or representative drawer, he issues a check knowing that he or his principal, as the case may be, does not then have sufficient funds with the drawee to cover it, and <ul style="list-style-type: none"> (A) he intends or believes at the time of issuance that payment will be refused by the drawee upon presentation, and (B) payment is refused by the drawee upon presentation; or (2) he passes a check knowing that the drawer thereof does not then have sufficient funds with the drawee to cover it, and <ul style="list-style-type: none"> (A) he intends or believes at the time the check is passed that payment will be refused by the drawee upon presentation, and (B) payment is refused by the drawee upon presentation. <p>(b) For the purposes of this section, an issuer is presumed to know that the check or order, other than a postdated check or order, would not be paid, if:</p> <ul style="list-style-type: none"> (1) The issuer had no account with the drawee at the time the check or order was issued; or (2) payment was refused by the drawee for insufficient funds upon presentation within thirty days after issue and the issuer failed to make good within eight days after receiving notice of such refusal. For the purposes of this subsection, an issuer is presumed to have received notice of such refusal if the drawee or payee provides proof of mailing such notice by certified mail, return receipt requested, to the issuer at his last known address. <p>(c) Issuing a bad check is:</p> <ul style="list-style-type: none"> (1) A class D felony if the amount of the check was more than two thousand dollars; (2) a class A misdemeanor if the amount of the check was more than one thousand dollars but not more than two thousand dollars; (3) a class B misdemeanor if the amount of the check was more than five hundred dollars but not more than one thousand dollars; or (4) a class C misdemeanor if the amount of the check was five hundred dollars or less. 			

Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
<p>Note: This chart does not analyze what effect the petty offense exception may have on a conviction that is determined to be a CIMT nor whether the offense meets any minimum sentence requirement.</p>			

LARCENY, ROBBERY, AND RELATED OFFENSES CRIMES CHART

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Conn. Gen. Stat. Ann. § 53a-128b. False Statement to Procure Issuance of Credit Card

Any person who makes or causes to be made, either directly or indirectly, any false statement in writing, knowing it to be false and with intent that it be relied on, respecting such person's identity or the identity of any other person or such person's financial condition or that of any other person, for the purpose of procuring the issuance of a payment card or loading the payment card into a digital wallet, violates this section and is subject to the penalties set forth in subsection (a) of section 53a-128i.

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Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
<p>Conn. Gen. Stat. Ann. § 53a-128c. Credit Card Theft. Illegal Transfer. Fraud. Forgery</p> <p>(a) Any person who takes a payment card from the person, possession, custody or control of another without the consent of the cardholder or of the issuer or who, with knowledge that it has been so taken, receives the payment card with intent to use it or to sell it, or to transfer it to any person other than the issuer or the cardholder is guilty of payment card theft and is subject to the penalties set forth in subsection (a) of section 53a-128i. Taking a payment card without consent includes obtaining it by conduct defined or known as statutory larceny, common law larceny by trespassory taking, common law larceny by trick, embezzlement, or obtaining property by false pretense, false promise or extortion.</p> <p>(b) Any person who receives a payment card that such person knows to have been lost, mislaid, or delivered under a mistake as to the identity or address of the cardholder, and who retains possession, custody or control thereof with intent to use it or to sell it or to transfer it to any person other than the issuer or the cardholder, is guilty of payment card theft and is subject to the penalties set forth in subsection (a) of section 53a-128i.</p> <p>(c) Any person other than the issuer who sells a payment card or any person who buys a payment card from a person other than the issuer violates this subsection and is subject to the penalties set forth in subsection (a) of section 53a-128i.</p> <p>(d) Any person who, with intent to defraud the issuer, a participating party, or a person providing money, goods, services or anything else of value, or any other person, obtains control over a payment card as security for debt violates this subsection and is subject to the penalties set forth in subsection (a) of section 53a-128i.</p> <p>(e) Any person, other than the issuer, who, during any twelve-month period, receives payment cards issued in the names of two or more persons which such person has reason to know were taken or retained under circumstances which constitute payment card theft or a violation of section 53a-128b or subsection (c) or (d) of this section violates this subsection and is subject to the penalties set forth in subsection (b) of section 53a-128i.</p> <p>(f) Any person who, with intent to defraud a purported issuer, a participating party, or a person providing money, goods, services or anything else of value, or any other person, falsely makes or falsely embosses a purported payment card or falsely loads or causes to be falsely loaded a payment card into a digital wallet or utters such a payment card is guilty of payment card forgery and is subject to the penalties set forth in subsection (b) of section 53a-128i. A person "falsely makes" a payment card when such person makes or draws, in whole or in part, a device or instrument which purports to be the payment card of a named issuer but which is not such a payment card because the issuer did not authorize the making or drawing, or when such person so alters a payment card which was validly issued. A person "falsely embosses" a payment card when, without the authorization of the named issuer, such person completes a payment card by adding any of the matter, other than the signature of the cardholder, which an issuer requires to appear on the payment card before it can be used by a cardholder. A person "falsely loads" or "causes to</p>			

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be falsely loaded" a payment card into a digital wallet when such person stores or causes to be stored on a digital wallet the digital form of

- (1) a payment card falsely made or falsely embossed by such person,
- (2) a payment card taken, procured, received or retained by such person under circumstances that constitute a violation of this section or section 53a-128b, or
- (3) a payment card that such person knows is falsely made, falsely embossed, forged, expired or revoked.

(g) Any person other than the cardholder or any person authorized by the cardholder who, with intent to defraud the issuer, a participating party, or a person providing money, goods, services or anything else of value, or any other person, signs a payment card, violates this subsection and is subject to the penalties set forth in subsection (a) of section 53a-128i.

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Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
<p>Conn. Gen. Stat. Ann. § 53a-128d. Illegal Use of Credit Card. Presumption of Knowledge of Revocation Any person who, with intent to defraud the issuer, a participating party, or a person providing money, goods, services or anything else of value, or any other person,</p> <p>(1) uses for the purpose of obtaining money, goods, services or anything else of value a payment card obtained or retained in violation of section 53a-128b, as amended by this act, or a payment card which such person knows is forged, expired or revoked, or</p> <p>(2) obtains money, goods, services or anything else of value by representing without the consent of the cardholder that such person is the holder of a specified card or by representing that such person is the holder of a card and such card has not in fact been issued, or</p> <p>(3) uses a payment card obtained or retained in violation of section 53a-128c or a payment card which such person knows is forged, expired or revoked, as authority or identification to cash or to attempt to cash or otherwise to negotiate or transfer or to attempt to negotiate or transfer any check or other order for the payment of money, whether or not negotiable, if such negotiation or transfer or attempt to negotiate or transfer would constitute a violation of section 53a-128 violates this subsection and is subject to the penalties set forth in subsection (a) of section 53a-128i, if the value of all money, goods, services and other things of value obtained in violation of this subsection does not exceed five hundred dollars in any six-month period; and is subject to the penalties set forth in subsection (b) of section 53a-128i, if such value does exceed five hundred dollars in any such six-month period. Knowledge of revocation shall be presumed to have been received by a cardholder four days after it has been mailed to such cardholder, at the address set forth on the payment card or at such cardholder's last-known address. If the address is located outside the United States, Puerto Rico, the Virgin Islands, the Canal Zone or Canada, notice shall be presumed to have been received ten days after mailing by registered or certified mail.</p>			

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Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
<p>Conn. Gen. Stat. Ann. § 53a-128e. Illegal Furnishing of Money, Goods or Services on Credit Card</p> <p>(a) Any person who is authorized by an issuer or a participating party to furnish money, goods, services or anything else of value upon presentation of a payment card by the cardholder, or any agent or employee of such person, who, with intent to defraud the issuer, or participating party, the cardholder, or any other person furnishes money, goods, services or anything else of value upon presentation of a payment card obtained or retained in violation of section 53a-128c or a payment card which such person knows is forged, expired or revoked, violates this subsection and is subject to the penalties set forth in subsection (a) of section 53a-128i, if the value of all money, goods, services and other things of value furnished in violation of this subsection does not exceed five hundred dollars in any six-month period; and is subject to the penalties set forth in subsection (b) of section 53a-128i if such value does exceed five hundred dollars in any such six-month period.</p> <p>(b) Any person who is authorized by an issuer or a participating party to furnish money, goods, services or anything else of value upon presentation of a payment card by the cardholder, or any agent or employee of such person, who, with intent to defraud the issuer, a participating party, the cardholder, or any other person fails to furnish money, goods, services or anything else of value which such person represents in writing to the issuer or participating party that such person has furnished violates this subsection and is subject to the penalties set forth in subsection (a) of section 53a-128i, if the difference between the value of all money, goods, services and anything else of value actually furnished and the value represented to the issuer or participating party to have been furnished does not exceed five hundred dollars in any six-month period; and is subject to the penalties set forth in subsection (b) of section 53a-128i if such difference does exceed five hundred dollars in any such six-month period.</p>			

Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
<p>Conn. Gen. Stat. Ann. § 53a-128f. Unlawful Completion or Reproduction of Credit Card</p> <p>Any person, other than the cardholder, having under such person's possession, custody or control two or more incomplete payment cards, or possessing a purported distinctive element of a payment card, with intent to complete such incomplete payment cards or to utilize such purported distinctive element in the production or reproduction of</p>			

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any payment card, without the consent of the issuer, or a person having under such person's possession, custody or control, with knowledge of its character, a distinctive element of any payment card or any machinery, plates or any contrivance designed to produce or reproduce instruments purporting to be the payment cards of an issuer, or of any issuer in a group of issuers utilizing a common distinctive element or elements in payment cards issued by all members of such group, who has not consented to the production or reproduction of such cards, violates this section and is subject to the penalties set forth in subsection (b) of section 53a-128i. A payment card is "incomplete" if part of the matter other than the signature of the cardholder, which an issuer, or any issuer in a group of issuers utilizing a common distinctive element or elements in payments cards issued by all members of such group, requires to appear on the payment card, before it can be used by a cardholder, has not yet been stamped, embossed, imprinted or written on it. A "distinctive element" of a payment card is any material or component used in the fabrication of payment cards, which, by virtue of such element's chemical or physical composition, color or design, is unique to the payment cards issued by a particular issuer or group of issuers utilizing a common distinctive element or elements in payment cards issued by all members of such group.

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Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
<p>Conn. Gen. Stat. Ann. § 53a-128g. Receipt of Money, Goods or Services Obtained by Illegal Use of Credit Card Any person who receives money, goods, services or anything else of value obtained in violation of section 53a-128d, knowing or believing the same to have been so obtained, violates this section and is subject to the penalties set forth in subsection (a) of section 53a-128i. Any person who obtains at a discount price a ticket issued by an airline, railroad, steamship or other transportation company which was acquired in violation of section 53a-128d without reasonable inquiry to ascertain that the person from whom it was obtained had a legal right to possess it shall be presumed to know that such ticket was acquired under circumstances constituting a violation of said section.</p>			

Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
<p>Conn. Gen. Stat. Ann. § 53a-129. Misapplication of Property: Class a Misdemeanor (a) A person is guilty of misapplication of property when, knowingly possessing personal property of another pursuant to an agreement that the same will be returned to the owner at a future time, he loans, leases, pledges, pawns or otherwise encumbers such property without the consent of the owner thereof in such manner as to create a risk that the owner will not be able to recover it or will suffer pecuniary loss.</p>			

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(b) In any prosecution under this section, it shall be a defense that, at the time the prosecution was commenced,

- (1) the defendant had recovered possession of the property, unencumbered as a result of the unlawful disposition, and
- (2) the owner had suffered no material economic loss as a result of the unlawful disposition.

(c) Misapplication of property is a class A misdemeanor.

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Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
<p>Conn. Gen. Stat. Ann. § 53a-129a. Identity Theft Defined</p> <p>(a) A person is guilty of identity theft in the first degree when such person commits identity theft, as defined in section 53a-129a, of another person and</p> <ul style="list-style-type: none">(1) such other person is under sixty years of age, and the value of the money, credit, goods, services or property obtained exceeds ten thousand dollars, or(2) such other person is sixty years of age or older, and the value of the money, credit, goods, services or property obtained exceeds five thousand dollars. <p>(b) Identity theft in the first degree is a class B felony.</p>			

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Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
<p>Conn. Gen. Stat. Ann. § 53a-129b. Identity Theft in the First Degree: Class B Felony</p> <p>(a) A person is guilty of identity theft in the second degree when such person commits identity theft, as defined in section 53a-129a, of another person and such other person is under sixty years of age, and the value of the money, credit, goods, services or property obtained exceeds five thousand dollars, or such other person is sixty years of age or older.</p> <p>(b) Identity theft in the second degree is a class C felony.</p>			

Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
<p>Conn. Gen. Stat. Ann. § 53a-129c. Identity Theft in the Second Degree: Class C Felony</p> <p>(a) A person is guilty of identity theft in the second degree when such person commits identity theft, as defined in section 53a-129a, of another person and such other person is under sixty years of age, and the value of the money, credit, goods, services or property obtained exceeds five thousand dollars, or such other person is sixty years of age or older.</p> <p>(b) Identity theft in the second degree is a class C felony.</p>			

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Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
Conn. Gen. Stat. Ann. § 53a-129d. Identity Theft in the Third Degree: Class D Felony (a) A person is guilty of identity theft in the third degree when such person commits identity theft, as defined in section 53a-129a. (b) Identity theft in the third degree is a class D felony.			

Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
Conn. Gen. Stat. Ann. § 53a-129e. Trafficking in Personal Identifying Information: Class D Felony (a) A person is guilty of trafficking in personal identifying information when such person sells, gives or otherwise transfers personal identifying information, as defined in section 53a-129a, of another person to a third person knowing that such information has been obtained without the authorization of such other person and that such third person intends to use such information for an unlawful purpose. (b) Trafficking in personal identifying information is a class D felony.			

Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
Conn Gen. Stat. Ann. § 53a-130. Criminal Impersonation: Class A Misdemeanor (a) A person is guilty of criminal impersonation when such person: <ul style="list-style-type: none"> (1) Impersonates another and does an act in such assumed character with intent to obtain a benefit or to injure or defraud another; or (2) pretends to be a state marshal with intent to obtain a benefit or induce another to submit to such pretended official authority or otherwise to act in reliance upon that pretense; or (3) pretends to be a representative of some person or organization and does an act in such pretended capacity with intent to obtain a benefit or to injure or defraud another; or (4) pretends to be a public servant other than a sworn member of an organized local police department or the Division of State Police within the Department of Emergency Services and Public Protection, or wears or displays without authority any uniform, badge or shield by which such public servant is lawfully distinguished, with intent to induce another to submit to such pretended official authority or otherwise to act in reliance upon that pretense; or (5) with intent to defraud, deceive or injure another, uses an electronic device to impersonate another and such act results in personal injury or financial loss to another or the initiation of judicial proceedings against another. 			

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(b) The provisions of subdivision (5) of subsection (a) of this section shall not apply to a law enforcement officer acting in the performance of his or her official duties.
(c) Criminal impersonation is a class A misdemeanor.

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Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
<p>Conn. Gen. Stat. Ann. § 53a-130a. Impersonation of a Police Officer: Class D Felony (a) A person is guilty of impersonation of a police officer when he pretends to be a sworn member of an organized local police department or the Division of State Police within the Department of Emergency Services and Public Protection, or wears or displays without authority any uniform, badge or shield by which such police officer is lawfully distinguished, with intent to induce another person to submit to such pretended official authority or otherwise to act in reliance upon that pretense. (b) Impersonation of a police officer is a class D felony.</p>			

Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
<p>Conn. Gen. Stat. Ann. § 53a-131. Unlawfully Concealing a Will: Class a Misdemeanor (a) A person is guilty of unlawfully concealing a will when, with intent to defraud, he conceals, suppresses, mutilates or destroys a will, codicil or other testamentary instrument. (b) Unlawfully concealing a will is a class A misdemeanor.</p>			

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Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
<p>Conn. Gen. Stat. Ann. § 53a-132. False Entry by an Officer or Agent of a Public Community: Class a Misdemeanor</p> <p>(a) A person is guilty of false entry by an officer or agent of a public community when</p> <ul style="list-style-type: none">(1) as an officer or agent of a public community, he makes any intentionally false entry on the books of the public community or(2) he intentionally attests or certifies by placing his signature upon process that he has personally served the same, when he has not done so. <p>(b) False entry by an officer or agent of a public community is a class A misdemeanor.</p>			

Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
<p>Conn. Gen. Stat. Ann. § 53a-134. Robbery in the First Degree: Class B Felony</p> <p>(a) A person is guilty of robbery in the first degree when, in the course of the commission of the crime of robbery as defined in section 53a-133 or of immediate flight therefrom, he or another participant in the crime:</p> <ul style="list-style-type: none">(1) Causes serious physical injury to any person who is not a participant in the crime; or(2) is armed with a deadly weapon; or(3) uses or threatens the use of a dangerous instrument; or(4) displays or threatens the use of what he represents by his words or conduct to be a pistol, revolver, rifle, shotgun, machine gun or other firearm, except that in any prosecution under this subdivision, it is an affirmative defense that such pistol, revolver, rifle, shotgun, machine gun or other firearm was not a weapon from which a shot could be discharged. Nothing contained in this subdivision shall constitute a defense to a prosecution for, or preclude a conviction of, robbery in the second degree, robbery in the third degree or any other crime. <p>(b) Robbery in the first degree is a class B felony provided any person found guilty under subdivision (2) of subsection (a) shall be sentenced to a term of imprisonment of which five years of the sentence imposed may not be suspended or reduced by the court.</p>			

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(b) (5)			

Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
<p>Conn. Gen. Stat. Ann. § 53a-135. Robbery in the Second Degree: Class C Felony</p> <p>(a) A person is guilty of robbery in the second degree when such person</p> <p>(1) commits robbery, as defined in section 53a-133, and</p> <p>(A) is aided by another person actually present; or</p> <p>(B) in the course of the commission of the crime or of immediate flight therefrom, such person or another participant in the crime displays or threatens the use of what such person represents by such person's words or conduct to be a deadly weapon or a dangerous instrument; or</p> <p>(2) in the course of committing a larceny while on the premises of a bank, Connecticut credit union or federal credit union, as those terms are defined in section 36a-2, intimidates an employee of the bank, Connecticut credit union or federal credit union by intentionally engaging in conduct that causes another person to reasonably fear for his or her physical safety or the physical safety of another for the purpose of:</p> <p>(A) Preventing or overcoming resistance to the taking of the property or to the retention thereof immediately after the taking of the property; or</p> <p>(B) compelling the owner of such property or another person to deliver up the property or to engage in other conduct which aids in the commission of the larceny.</p> <p>(b) Robbery in the second degree is a class C felony.</p>			

Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
<p>Conn. Gen. Stat. Ann. § 53a-136. Robbery in the Third Degree: Class D Felony</p> <p>(a) A person is guilty of robbery in the third degree when he commits robbery as defined in section 53a-133.</p> <p>(b) Robbery in the third degree is a class D felony.</p>			

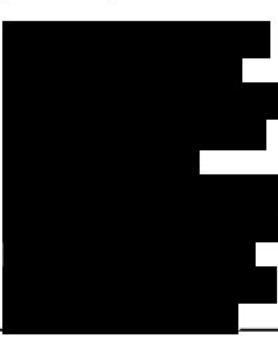
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Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
Conn. Gen. Stat. Ann. § 53a-136a. Robbery Involving Occupied Motor Vehicle. Penalty Any person who commits robbery by taking a motor vehicle from the person of another knowing that such motor vehicle is occupied by such other person shall be imprisoned for a term of three years which shall not be suspended and shall be in addition and consecutive to any term of imprisonment imposed for such offense.			

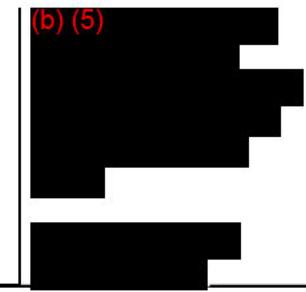
Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
Conn. Gen. Stat. §53a-139 Forgery in the second degree: Class D Felony. <ul style="list-style-type: none"> (a) A person is guilty of forgery in the second degree when, with intent to defraud, deceive or injure another, he falsely makes, completes or alters a written instrument or issues or possesses any written instrument which he knows to be forged, which is or purports to be, or which is calculated to become or represent if completed: <ul style="list-style-type: none"> (1) A deed, will, codicil, contract, assignment, commercial instrument or other instrument which does or may evidence, create transfer, terminate or otherwise affect a legal right, interest, obligation or status; or (2) a public record or an instrument filed or required or authorized by law to be filed in or with a public office or public servant; or (3) a written instrument officially issued or created by a public office, public servant or governmental instrumentality; or (4) a prescription of a duly licensed physician or other person authorized to issue the same for any drug or any instrument or device used in the taking or administering of drugs for which a prescription is required by law. (b) “Drugs” as used in this section includes all drugs except controlled drugs as defined in section 21a-240. (c) Forgery in the second degree is a class D felony. 			
Term not to exceed 5 years or fine not to exceed \$5,000	YES: <i>Richards v. Ashcroft</i> , 400 F.3d 125, 130 (2d. Cir. 2005) “We therefore hold that Connecticut General Statute § 53a-139 punishes only conduct that is covered by 8 U.S.C. § 1101(a)(43)(R), and that a conviction under this statute for which a sentence of one year or more is imposed constitutes an aggravated felony.”	(b) (5) 	

Note: This chart does not analyze what effect the petty offense exception may have on a conviction that is determined to be a CIMT nor whether the offense meets any minimum sentence requirement.

LARCENY, ROBBERY, AND RELATED OFFENSES CRIMES CHART

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(b) (5)



CONNECTICUT LARCENY, ROBBERY, AND RELATED OFFENSES GENERALLY

- Connecticut Statutes regarding Larceny, Robbery, and Related Offenses can be found in Part IX of Chapter 952 of the Connecticut Penal Code. The statutes are from Conn. Gen. Stat. Ann. § 53a-118 to §53a-136a.

GENERIC OFFENSES

“AGGRAVATED FELONY CRIME OF VIOLENCE” (“COV”) INA §§ 237(a)(2)(A)(iii), 101(a)(43)(F)

- Includes any COV as defined in 18 U.S.C. § 16 (not including a purely political offense) for which the term of imprisonment imposed (regardless of any suspension) is at least one year. Section 16 defines a COV in two parts, § 16(a) and § 16(b). Section 16(a) “any offense that has as an element the use of attempted use or threatened use of physical force against the person or property of another.” In April 2018, the Supreme Court ruled that § 16(b) as incorporated by INA § 101(a)(43)(F) is unconstitutionally vague. *See Sessions v. Dimaya*, No. 15-1498, ---S. Ct. ---, (April 17, 2018).
- “Under the plain language of § 16(a), one of the elements of a [COV] must be ‘the use, attempted use, or threatened use of physical force against the person or property of another.’” *Blake v. Gonzales*, 481 F.3d 152, 156 (2d Cir. 2007) quoting 18 U.S.C. §16(a) and *Chrzanoski v. Ashcroft*, 327 F.3d 188, 191 & n. 6 (2d Cir. 2003).

“CRIME INVOLVING MORAL TURPITUDE (CIMT)” INA §§ 212(a)(2)(A)(i)(II); 237(a)(2)(A)(i)(I) & (II)

- The Second Circuit has adopted the BIA’s definition of a CIMT, as conduct which is inherently base, vile, or depraved, and contrary to the accepted rules of morality and the duties owed between persons, or the duties owed to society in general. *See Mendez v. Mukasey*, 547 F.3d 345, 347 (2d Cir. 2008).

“AGGRAVATED FELONY FRAUD/ DECEIT” INA §§ INA 237(a)(2)(A)(iii), 101(a)(43)(M)(i)

- Offenses that “involve” fraud or deceit in which the loss to the victim or victims exceeds \$10,000. The Supreme Court has determined that in analyzing whether a crime is an aggravated felony under INA § 101(a)(43)(M)(i) the courts must use a categorical approach as to whether the crime is a fraud or deceit crime and a “circumstance-specific” analysis regarding whether the “loss to the victim or victims exceeds \$10,000.” *Nijhawan v. Holder*, 557 U.S. 29, 38 (2009). Neither “fraud” nor “deceit” must be elements of the crime. *Kawashima v. Holder*, 565 U.S. ___, 132 S. Ct. 1166 (2012).

Add aggravated felony theft

MAXIMUM SENTENCING

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LARCENY, ROBBERY, AND RELATED OFFENSES CRIMES CHART

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Unless the sentence is specifically listed in the statute itself, the following guidelines apply:

Juvenile Sentences

- §18-65a. Confinement of young and teenage women
 - Imprisonment not to exceed 5 years for women between the ages of 16 and 21
- §18-73. Confinement of male children and youths
 - Imprisonment not to exceed 5 years for men between the ages of 16 and 21

Connecticut Violations

- **§ 53a-27. Violation: Definition, designation**
 - (a) An offense, for which the only sentence authorized is a fine, is a violation unless expressly designated an infraction.
 - (b) Every violation defined in this chapter is expressly designated as such. Any offense defined in any other section which is not expressly designated a violation or infraction shall be deemed a violation if, notwithstanding any other express designation, it is within the definition set forth in subsection (a).
- **§53a-43 Fines for Violations**
 - Not to exceed \$500
 - In the case of a violation defined in any other section of the general statutes, if the amount of the fine is expressly specified in the section that defines the offense, the amount of the fine shall be fixed in accordance with such section.

Connecticut Misdemeanors: CONN. GEN. STAT. ANN. §§ 53a-36 Imprisonment for Misdemeanor; 53a-42 Fines for Misdemeanors

- Class A—fine not to exceed \$2,000 or imprisonment not to exceed one year
- Class B—fine not to exceed \$1,000 or imprisonment not to exceed six months
- Class C—fine not to exceed \$500 or imprisonment not to exceed three months
- Class D—fine not to exceed \$250 or imprisonment not to exceed 30 days
- Unclassified—“an amount in accordance with the fine specified in the section of the general statutes that defines or provides the penalty for the crime” or “a term in accordance with the sentence specified in the section of the general statutes that defines or provides for the penalty for the crime”

Connecticut Felonies

- **CONN. GEN. STAT. ANN. § 53a-25 Felony: Definition, classification, designation**
 - An offense where a person is sentenced to a term of imprisonment in excess of one year is a felony
 - Felonies are classified as Class A, Class B, Class C, Class D, Class E, Unclassified, and Capital Felonies
 - Any offense defined in any section of the general statutes which, by virtue of an expressly specified sentence, is within the definition set forth in subsection (a) of this section, but for which a particular classification is not expressly designated, shall be deemed: (1) A class E felony if the maximum term of imprisonment specified is in excess of one year but not more than three years; or (2) an unclassified felony if the maximum term of imprisonment is otherwise within the definition set forth in subsection (a) of this section.
- **CONN. GEN. STAT. ANN. § 53a-35 Imprisonment for Felony Committed *Prior to July 1, 1981***

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LARCENY, ROBBERY, AND RELATED OFFENSES CRIMES CHART

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- (a) For any felony committed prior to July 1, 1981, the sentence of imprisonment *shall be an indeterminate sentence*, except as provided in subsection (d). When such a sentence is imposed the court shall impose a maximum term in accordance with the provisions of subsection (b) and the minimum term shall be as provided in subsection (c) or (d).
- (b) **The maximum term of an indeterminate sentence shall be fixed by the court and specified in the sentence as follows:**
 - (1) For a class A felony, life imprisonment;
 - (2) for a class B felony, a term not to exceed twenty years;
 - (3) for a class C felony, a term not to exceed ten years;
 - (4) for a class D felony, a term not to exceed five years;
 - (5) for an unclassified felony, a term in accordance with the sentence specified in the section of the general statutes that defines the crime; and
 - (6) for a capital felony, life imprisonment unless a sentence of death is imposed in accordance with section 53a-46a.
- (c) Except as provided in subsection (d) the minimum term of an indeterminate sentence shall be fixed by the court and specified in the sentence as follows:
 - (1) For a class A felony, the minimum term shall not be less than ten nor more than twenty-five years;
 - (2) for a class B, C or D felony the court may fix a minimum term of not less than one year nor more than one-half of the maximum term imposed, except that (A) where the maximum is less than three years the minimum term may be more than one-half the maximum term imposed or (B) when a person is found guilty under section 53a-59(a)(1), section 53a-59a, 53a-101(a)(1) or 53a-134(a)(2), the minimum term shall be not less than five years and such sentence shall not be suspended or reduced, or when a person is found guilty under section 53a-60c, the minimum term shall be not less than three years and such sentence shall not be suspended or reduced, or when a person is found guilty under section 53a-60b, the minimum term shall be not less than two years and such sentence shall not be suspended or reduced;
 - (3) for an unclassified felony, a term in accordance with the sentence specified in the section of the general statutes that defines the crime.
- (d) Notwithstanding the provisions of subsections (a) and (c), except as provided in subdivision (2) of said subsection (c), when a person is sentenced for a class C or D felony or for an unclassified felony, the maximum sentence for which does not exceed ten years, the court may impose a definite sentence of imprisonment and fix a term of one year or less; except when a person is found guilty under sections 53a-55a, 53a-56a, 53a-60a, 53a-70a, 53a-72b, 53a-92a, 53a-94a, 53a-102a and 53a-103a, the court shall not fix a term of less than one year.
- **CONN. GEN. STAT. ANN. § 53a-35 Imprisonment for Felony Committed on or After July 1, 1981**
 - For any felony committed on or after July 1, 1981, the sentence of imprisonment *shall be a definite sentence* and, unless the section of the general statutes that defines or provides the penalty for the crime specifically provides otherwise, the term shall be fixed by the court as follows:
 - (1) (A) For a capital felony committed prior to April 25, 2012, under the provisions of section 53a-54b in effect prior to April 25, 2012, a term of life imprisonment without the possibility of release unless a sentence of death is imposed in accordance with section 53a-46a, or (B) for the class A felony of murder with special circumstances committed on

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or after April 25, 2012, under the provisions of section 53a-54b in effect on or after April 25, 2012, a term of life imprisonment without the possibility of release;

- (2) For the class A felony of murder, a term not less than twenty-five years nor more than life;
- (3) For the class A felony of aggravated sexual assault of a minor under section 53a-70c, a term not less than twenty-five years or more than fifty years;
- (4) For a class A felony other than an offense specified in subdivision (2) or (3) of this section, a term not less than ten years nor more than twenty-five years;
- (5) For the class B felony of manslaughter in the first degree with a firearm under section 53a-55a, a term not less than five years nor more than forty years;
- (6) For a class B felony other than manslaughter in the first degree with a firearm under section 53a-55a, a term not less than one year nor more than twenty years;
- (7) For a class C felony, a term not less than one year nor more than ten years;
- (8) For a class D felony, a term not more than five years;
- (9) For a class E felony, a term not more than three years; and
- (10) For an unclassified felony, a term in accordance with the sentence specified in the section of the general statutes that defines or provides the penalty for the crime.

- **CONN. GEN. STAT. ANN. § 53a-41 Fines for Felonies**
 - A fine for the conviction of a felony shall, unless the section of the general statutes that defines or provides the penalty for the crime specifically provides otherwise, be fixed by the court as follows:
 - (1) For a class A felony, an amount not to exceed twenty thousand dollars;
 - (2) for a class B felony, an amount not to exceed fifteen thousand dollars;
 - (3) for a class C felony, an amount not to exceed ten thousand dollars;
 - (4) for a class D felony, an amount not to exceed five thousand dollars;
 - (5) for a class E felony, an amount not to exceed three thousand five hundred dollars; and
 - (6) for an unclassified felony, an amount in accordance with the fine specified in the section of the general statutes that defines or provides the penalty for the crime.

GENERIC OFFENSES

“CRIME INVOLVING MORAL TURPITUDE (CIMT)”

- The Second Circuit has adopted the BIA’s definition of a CIMT, as conduct which is inherently base, vile, or depraved, and contrary to the accepted rules of morality and the duties owed between persons, or the duties owed to society in general. *See Mendez v. Mukasey*, 547 F.3d 345, 347 (2d Cir. 2008).

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